

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES

In re Patent Application of

FRY et al

Serial No. 09/088,727

Filed: June 2, 1998

Title: COMMUNICATIONS NETWORK



Atty Dkt. 36-1227
C#/M#
Group Art Unit: 2756
Examiner: F. Farahi
Date: October 31, 2000

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE UNDER FINAL REJECTION

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number		
Previously paid for	20	(at least 20) =	0 x \$ 18.00	\$ 0.00
Independent claims after amendment	0	minus highest number		
Previously paid for	3	(at least 3) =	0 x \$ 80.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)				\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this Paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months)				\$ 390.00
Terminal disclaimer enclosed, add \$ 110.00				\$ 0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$710.00) <input type="checkbox"/> Please enter the previously unentered , filed <input type="checkbox"/> Submission attached				\$ 0.00
<input type="checkbox"/> Request for Continued Examination pursuant to 37 C.F.R. § 1.114 (\$710.00) <input type="checkbox"/> Please enter the previously unentered , filed or <input type="checkbox"/> Required submission attached				\$ 0.00
				SUBTOTAL \$ 390.00
If "small entity," then enter half (1/2) of subtotal and subtract <input type="checkbox"/> Statement filed herewith				-\$ 0.00
Rule 56 Information Disclosure Statement Filing Fee (\$240.00)				\$ 0.00
Assignment Recording Fee (\$40.00)				\$ 0.00
Other:				0.00
				TOTAL FEE ENCLOSED \$ 390.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty.: Larry S. Nixon, Reg. No. 25,640

Signature:

A handwritten signature in black ink that reads "Larry S. Nixon". The signature is written over a horizontal line and includes a stylized initial "L".

#13 Request for
Reconsideration
11-7-00
JW

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October 31, 2000

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE TO FINAL REJECTION

In response to the final Office Action dated 05/31/00, reconsideration of this application is requested in light of the following remarks.

The Examiner's continued rejection of claims 1, 4, 6, 7, 10 and 11 as allegedly anticipated by Gramlich '025 is respectfully traversed.

About the only similarity between Gramlich '025 and applicant's claimed invention is the physical arrangement of a proxy server located between a web server and a web client. However, as explicitly recited and required by the claim language of independent claims 1, 6 and 11, the applicant's claimed proxy server must take received data in a first encoding format and transform it to a second encoding format without substantially changing the information content of the data.

① By contrast, Gramlich '025 only provides a proxy server for the specific purpose of changing the information content of the data being conveyed via the proxy server. In particular, an annotation overlay proxy (AOP) 114 executes in the proxy server 130 so as to add significant data content and/or to delete significant data content. The word "transforming" does appear in this context within the specification of Gramlich '025 (e.g., at column 2, lines 42 and 45 and at column 8, line 58). However, the context of this word usage makes it clear that any "transformation" only occurs because data is being significantly changed (i.e., deleted, replaced, added to).

② In short, the Examiner's observation that the word "transformation" might have a broader dictionary definition relating to "change in form or nature of data" is irrelevant because the actual context of the Gramlich '025 teaching is that any "transformation" only occurs in the context of substantially changing the information content of the data being processed at the proxy server -- and because of the more specific contrary claim recitations.

That is, the Gramlich teaching is directly contrary to the applicant's independent claims 1, 6 and 11 which specifically require that the claimed transformation process be performed without substantially changing the information content of the data being processed. Under these circumstances, it is respectfully submitted that it is literally impossible for Gramlich '025 to anticipate even the independent claims 1, 6 and 11.

With respect to dependent claims 4 and 7, the Examiner relies upon column 5, lines 41-51. However, this simply further emphasizes the fact that the "transformation" being accomplished by Gramlich '025 involves the annotation overlay proxy (AOP) searching other web servers for all annotation overlays possibly applicable -- i.e., so as to maximize the change in information content to be effected by the AOP running on the proxy server. Furthermore, this passage does not teach that a transformation process is itself determined by the content of a protocol downloaded from a third server. Instead, this passage merely explains that the AOP protocol (i.e., the annotation overlay proxy protocol) searches the web for additional annotation data to be added to the protocol process being performed by the AOP. The protocol defining the AOP process itself is represented by reference numeral 114 in Figure 1 as being resident in the proxy server 130. The undersigned cannot find any teaching or suggestion in Gramlich '025 that the AOP 114 resident in proxy server 130 found its way there by downloading from a third server computer. Certainly, column 5, lines 41-51 does not contain any such teaching or suggestion.

Accordingly, dependent claims 4 and 7 also cannot possibly be anticipated by Gramlich '025.

The rejection of claims 2, 3, 8 and 9 under 35 U.S.C. §103 as allegedly being made "obvious" based on the same single Gramlich '025 reference is also respectfully traversed.

Here, the Examiner admits that Gramlich '025 "does not disclose specifically the transport protocol from the client computer to the proxy server and for the proxy server to the web server". Indeed, the undersigned does not find any teaching or suggestion anywhere in Gramlich '025 -- or even any invention-- of the user datagram protocol (UDP). Nor does the Examiner point to any such mention of UDP in Gramlich '025.

Nevertheless, the Examiner asserts:

"It would have been obvious to one having ordinary skill in the art at the time the invention as [sic:was] made to specifically use TCP transport protocol to transmit data from the web server to the proxy server and the UDP transport protocol to transmit data from the proxy server to the client computer in Gramlich network because doing so TCP transport protocol would have provided the system with a reliable delivery of data from the web server to the proxy server and UDP would provide a faster data transfer from the proxy server to the client to enhance the speed of data transmission".

With respect, and in accordance with standard MPEP practice, the Examiner is respectfully requested to document the allegation about "common knowledge in the prior art". Furthermore, the undersigned does not see any teaching or suggestion in Gramlich '025 that is concerned with the speed of data transfer from the proxy server to the client. If there is such teaching or suggestion in Gramlich '025, the Examiner is respectfully requested to specifically point it out.

Absent some suggestion along these lines in the prior art, the additional features added by dependent claims 2, 3, 8 and 9 cannot be properly rejected as allegedly "obvious" under 35 U.S.C. §103.

The present invention delivers data to the user in what is ultimately an essentially unaltered non-transformed manner; i.e., the music that is requested by the user is delivered to the user in a format such that the user can playback the music and recognize it as the music that was downloaded, i.e., without substantially changing the information content of said data.

However, the '1's and '0's used to convey this information to the user will be transformed, albeit this is invisible to the user, in order to achieve an additional result, for example transcoding to a more efficient audio encoding scheme (for example PCM to ADPCM) or translating the data into a format that can be understood by the user -- for example, converting a document from Lotus WordPro format to Microsoft Word format; however the content of the document would be substantially unchanged.

The Gramlich scheme allows for annotation (which means the addition of information alongside data which was previously present, see column 5, lines 52-67) as well as transformation (see column 6, lines 16-23), also which includes the deletion, replacement and/or insertion of additional text: see column 9, Table 3 and lines 13-61; here the text beginning "Unfortunately, there is no way..." is to be inserted into the document to be found at <http://info.cern.sh/hypertext/WWW/Daemon/User> after the phrase "Files can be real or synthesized".

It is clear that the teaching of Gramlich is that it is possible for a number of authors to collaborate over a document and for an overlay to bring together the different

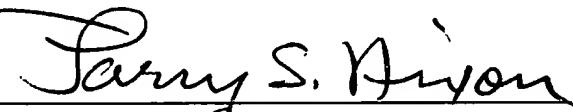
comments made so that they can be seen in a single, integrated document, i.e., the information content of the data is changed. this is in clear distinction to the teaching of the present invention as claimed in claim 1, in which data is transformed from a first format to a second format, without substantially changing the information content of said data. Claim 1 is clearly novel over Gramlich, and there is no teaching in Gramlich that would inspire the person skilled in the art to go against Gramlich to devise a system that conserved the content of the transmitted data.

Accordingly, this entire application is now believed to be in allowable form and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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